

JACKSON LEWIS LLP
59 Maiden Lane
New York, New York 10038
(212) 545-4000
John A. Snyder II (JS 4786)
Mitchell Boyarsky (MB 7995)

ATTORNEYS FOR DEFENDANT
REED ELSEVIER, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER BINGAMAN,

Plaintiff,

-against-

REED ELSEVIER, INC.,

Defendant.

Case No. 07 CV 10673

NOTICE OF MOTION

To: Brendan J. O'Rourke
Marianne F. Murray (5754)
O'ROURKE & ASSOCIATES, LLC
27 Pine Street
New Canaan, CT 06840

Alfred W. J. Marks
DAY PITNEY LLP
7 Times Square
New York, NY 10036-7311

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Affidavit of John A. Snyder II, the undersigned will move this Court before The Honorable Robert W. Sweet at the United States Courthouse, 500 Pearl Street, Room 1010, New York, New York 10007-1312 for an order pursuant to Federal Rule of Civil Procedure 12(b)(6),

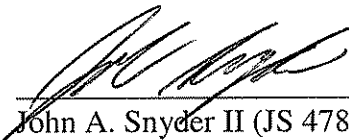
dismissing Plaintiff Peter Bingaman's Complaint in its entirety and with prejudice, for failure to state a claim upon which relief can be granted.

Respectfully submitted,

JACKSON LEWIS LLP
ATTORNEYS FOR DEFENDANT
59 Maiden Lane
New York, New York 10038
(212) 545-4000

Dated: February 6, 2008

By:



John A. Snyder II (JS 4786)
Mitchell Boyarsky (MB 7995)

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